IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **RFA No. 1803 OF 1988**

DATE OF DECISION: August 9, 2006

BHAGWAN SINGH ...APPELLANT

VERSUS

STATE OF HARYANA ETC. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: NONE FOR THE APPELLANT.
MR.RAMESH HOODA, ADVOCATE FOR STATE OF HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The appellant-claimant has filed the present appeal against the judgement dated 9.6.1983, passed by the Addl. District Judge, Bhiwani by which the compensation as awarded by the Land Acquisition Collector vide his award dated 24.2.1982 was upheld.

Briefly, the facts of the case are that the State of Haryana issued Notification under Section 4 of the Land Acquisition Act on 29.2.1977, intending to acquire the land in village Gudha, District Bhiwani for public purpose, namely, for construction of Mahu Distributory. A declaration was issued. Thereafter, the Land Acquisition Collector vide his award dated 24.2.1982 allowed compensation to the land owners at the rate of Rs.3300/- for '*Tal*' and '*Tibba*' categories of land.

Being aggrieved against the said award, the claimant filed reference petition which has been disposed of vide impugned judgement. The appellant has claimed a compensation of Rs.25,000/- for the acquired land. In order to claim higher compensation, only oral submissions have been made on behalf of the claimants. Bhagwan Singh one of the claimant

appeared as AW-1 and stated that the range of amount in village was Rs.12000/- per acre. Sohan Singh, AS-5 has deposed the same lines. Apart from the oral testimonies no documentary evidence has been adduced by the claimants.

On the other hand, the State has placed reliance on copies of sale deeds Exs.R-9 to R-12 by which the lands have been sold between the price ranging from Rs.1886/- per acre to Rs.2320/- per acre. These sales related to the years 1972 and 1973.

After perusing the evidence led by the parties, I am unable to rely on any evidence led on behalf of the claimants, as apart from the oral testimonies there is no documentary evidence produced by them. Thus, I rely on the evidence led by the State for determining the compensation. As per Ex.R-1, land measuring 22 kanals 8 marlas was sold on 25.7.1972, for a price of Rs.6500/- giving an average price of Rs.2320/- per acre. The Notification under Section 4 of the Land Acquisition Act was issued on 29.2.1977, i.e. almost 5 years after the sale Ex.R-1. Thus, by giving a corresponding enhancement for 5 years to the claimants, I determine the price of land to be Rs.5000/- per acre. Apart from the above, the appellant shall also be entitled to solatium at the rate of 30% and interest at the rate of 9% per annum for the first year and 15% thereafter.

As far as the claim for damages on account of digging of deep pits is concerned, this claim is rejected, as two witnesses were produced as to from whom the earth filling work was got done. The judgement of the Addl. District Judge, Bhiwani stands modified to the extent indicated above.

August 9, 2006 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**